1815, 1830, 1831, 1834

Ancient letters
& Richard McNemar,
Indentures

PAPERS
OF
SHAKERS

249

OHIO
Union Village

The Property that was Given into the hands of the Trustees by the Society November 1812

	$	C
Daved Price		
To one bay Horse —	$ 100	
To Do Do Do —	80	
To Do Do Do —	65	
To Do Do Do —	60	
To One Coral Mare	40	
To one bay Horse —	75	
To one Wagen	15	
Alexander Mckeheen		
To one Wageon —	$ 50	
To 4 Horses		
at 15 Dollars Each	60	
Elisabeth Wethrington		
To One sorrel Mare —	$ 00	
To One Bay Do —	05	
To One Bay Horse —	15	
To one Rhone Do —	50	
To one Cow & yearlen —	15	
To One brown Steer	15	
James Price		
To One Wageon —	20	
To Too Mares		
at 50 Dollars Each —	100	
Joseph Jonston		
To One Wageon —	$ 80	
To Too Horses		
at 75 Dollars Each —	150	
To a Jackscrew	7	
John Johnston		
To One Horse —	$ 75	

Daniel Redman		
To one horse —	$ 75	
John Youngman		
To one Mare —	$ 60	
James Hodge		
To One Mare	$ 100	
James Evins		
To One Horse	$ 55	
John Edgington		
To One Mare —	$ 60	
To Do Do —	75	
To 2 Cows & a yearlin	25	
William Douglas		
To One Wageon —	$ 75	
To one Horse —	25	
To a Mare & Coalt	45	
James Brumfield		
to 1 horse	13	
John Handcock		
To 1 horse —	60	
To 1 Do	50	

Henry Miller

To 1 Waggeon . . $ 60

Josias Salter

To 1 Gray Mare $ 55

John McCombs

To 1 Dun Horse

The great move commenced sep^{r} 15 1812
The number of soule are stated 300
The number of horned cattle 100
The number of sheep— 250
The number of waggons fitted out 14
The water craft 1 keel boat, perogue and canoes
The boat company arrived at Union village on the 5 of Nov- 1812
The land company arrived Nov. 14 1812
lacking one day of two months from the start.
A company of 30 brethren and seven sisters set out for Busro March 12 1814
The main body of the people started from Union village with Elder Archebald & Elderess Ruth Aug^{t} 4th 1814
And arrived in middling health the 22.
Nathan Pegg deceased Augt 30- 1814
The fever grew violent.
Israel Edgington died Sep. 1st 1814
Esther knox—— Sep. 8. 1814
Elderess Ruth Sep. 18. 1834
Naomi Miller—— Sep 23 1814
Betsy M^{c}Guehen Sep 25 1814
Thus troubles untold increased till the year 1826 when the whole society old and young were estimated at about—— 150 souls
The last prospect of any increase was another harvest from Eagle & strait creek, and through the labors of Ashbel Kelchel and Henry Milly the following families were gathered viz. John Fowler James Newland Jonas Shreeves Amos Mont & John Hall

		£	C
Nancy Jinkens		845	40
Robert Gill By William Douglas Bolen Macon		50	
Do		100	
Daved Price The price of his Land		1600	
John McCombo by John Wallece		400	

	page Daybok	$	C
John McCombs	1	3	
Do Do		200	
James Price from Daybook	16	87	25
Do Do Do	16	5	
Do Do Do	23	35	50
From Daybook	25	700	
Mexander Mkehen Daybook	16	70	
Do Do Do	23	11	50
Do Do		10	
Henry Salter	16	1	25
From Daybook	23	5	62½
Samuil Jonston From Daybook	16	10	
To Do		02	
John Edgenton From Daybook	16	29	
From Daybook	23	26	
John Martin from Daybook	23	165	
Do Do Do	23	5	
Do Do	23	100	
Do		20	
Do Do			

	page Daybok	$	C
Adam Galagar Administerator for the heiro not of age			
From Daybook	16	30	
Do Do	23	20	50
Do Do	25	44	37½
Do Do	37	20	50
Do Do		94	
Danial Redman Daybok	16	2	
From Daybook	23	10	
Do Do	25	9	
John Knox family By			
John Martin	16	100	09
Jessey Mckeehen	16	29	
Jessey Mkehen by Mexander Mckeehen		9	
John Jonston From Daybook	25	50	
From Daybook	25	201	
Nancy Galagar From Daybook	25	77	50
Jinney Galagar Do Do	25	77	50
Elsoabeth Galagar Do Do	25	77	50
Rebecah Galagar Do Do	37	35	
Do Do			
Rebecah Braxitton From Daybook	37	00	

The Money Given into the hands of the Trustees by the Society, November 1812

	page Daybook	$	C
John Knox	1	22	50
From Daybook	23	113	
Elisabeth Wethrington	1	60	..
Do Do	1	60	15
Do Do		9	50
Joseph Jonston family by			
David Price	1	1	..
From Daybook	16	55	32
From Daybook	23	170	25
Do Do	25	1	..
Do "	25	12	..
Do Do		121	
John Glover	1	9	72½
John Boyle	1	18	10½
From Daybook	23	33	35
The Mill family	1	172	25
Adam Galagar		23	43
Do Do		191	62
Henry Miller	1	147	75
From Daybook	23	102	
William Knox	1	61	50

		$	C
Joseph Jonston	1	20	..
From Daybook	23	137	50½
William Douglas	1	50	25
Do Do		63	
Do Do		136	
William Douglas left for Gordan Douglas when he comes of age		150	-
Jane left for Sally Douglas when she comes of age		100	
Jean Douglas		100	
George Legeirs	1	36	
Rebeca Price	1	1	50
James Evins	1	15	..
From Daybook	16	35	
Pegy Stewart	1	200	50
John Hancock	1	1	62½
Pegy Jann	1	12	..
Poly Edgington	1	1	..
Nethan Pegg	1	15	..
William Jann	1	13	50

1813		Daybook Page	$	C			Daybook Page	$	C
	The Properly that William Davis Sold at Busrun, when the Socialy Mov? to Union Village State of Ohio.					To Articles Bought for the Use of the Society			
						From Daybook	17	307	49½
					1813	From Daybook	18	12½	5½
January the 1st	From Daybook	13	1012	71		From Daybook	19	317	28
	From Daybook	14	273	62½		From Daybook	20	301	67½
	From Daybook	15	389	63½		From Daybook	21	166	92
	From Daybook	16	119	14½		From Daybook	22	95	38
	From Daybook	16	100	25½		From Daybook	24	310	1
	From Daybook	17	45	13		From Daybook	26	300	13½
						From Daybook	27	109	57½
						From Daybook	28	316	91
						From Daybook	29	299	77½
	To Sundry Articles sold when the Socialy was Sojurners in the State of Ohio					From Daybook	30	1078	50
					1814	From Daybook	31	174	52½
						From Daybook	32	7	93
Novm the 20th	From Daybook	23	769	29½		Adam Galagar Bought at Pitsburg			
Jan 14th 1814	From Daybook	25	406	91½					
July	From Daybook	37	12	71½	Feb 20	From Daybook $ 971-26	32	2156	90
					March 2	From Daybook 1183-64	33		
						From Daybook	33	129	76½
	To Sundry Articles sold, not regraly entred in a daybook					From Daybook	34	170	55
						From Daybook	35	205	90½
	Rec?		732	28		From Daybook	36	385	57
	Rec?		002	34½		From Daybook	38	222	36½
	Rec?		491	55½		From Daybook	39	91	93½
						To Sundry Articles Bought not Regulary entred in a daybook			
						Paid		1340	65½
						Paid		1416	00½

Indiana Territory, County of Knox, Westunion, March the 1st, 1815.

Whereas we the subscribers denominated by eachother believers in Christ, having received the testimony of the Gospel through the ministration of the Church at New Lebanon in the Township of Canaan, County of Columbia and State of Newyork; And believing According to the distinguishing faith of said Church that Christ has Actually made his Appearance the the second time without sin unto Salvation and has began to establish his Kingdom of Righteousness and peace on Earth which is free to all people and will stand forever, and being made partakers of that light and power of God, which has Called and Enabled us to take up a full and daily cross against the world the flesh and all evil in our knowlege and to follow Christ in the Regeneration, by which, we believe, God, according to his everlasting promise, will gather together in one all things in Christ which are in heaven and upon earth. And having taken sufficient time & precaution to prove our faith and being fully satisfyed that it is the faith of the only true gospel into which we are called, and feeling it to be our duty and privelege, according to the Scriptures, the present call of God, And the civil and religious ~~rights~~ rights secured to us, in common with other Citizens, to obey our faith in all things, and to chuse that manner of life which we believe to be most acceptable to God, and most profitable to the spiritual and temporal Good and wellfair of ourselves and others, And moreover it being our faith that the Union and relation of the Church of God, in one Joint intrest is a situation the most acceptable to God, and productive of the greatest Good of any state or situation attainable on Earth. Therefore in obedience to our own faith we have dissolved every band and tie of the flesh or fallen nature of this lost world And Covenanted and agreed as Brethren and Sisters in the Gospel, to Gather to Gether and unite in one body as a religious Comenunity to be Constituted, built up and Established upon the principles and rules of the Church of Christ aforesaid: and as God according to his promises has begun to give his people one heart and one way, that they may serve him forever, We do therefore expressly agree to and with each other that we keep as delivered to us, with all and singular the rules, Manners and customs of the Church in relation to Union Communion and fellowship, the rights privaleges and duties of the members as also offices of trust and care in the disposal and management of the Joint intrest of the Society according to the following articles of Covenant.

I We severaly and Jointly agree to gather to gether and be Constituted in the form and order of a Community under the spiritual care of our Elders Archabld Mecham and Joacher Bates appointed by the Gift of God to have the rule over us, and to watch for our souls and admonish us: Therefore according to the rule and order of the Gospel it shall be our duty at all times to reverence and respect them in their Gift and calling to be subject to them in the Lord to follow their faith, and to esteem them very highly in love for their works sake

II That it is fit and proper that Certain individuals should be entrusted with the care of the temporal intrist of our Joint Community as trustees and as we believe that our beloved

Brethren Adam Galagar Samuel Jonston And William Douglas are endowed with Gifts and qualifications for that purpose, we do therefore call appoint and ordain the said Brethren Adam Galagar Samuel Johnston And William Douglas to the said office of trusteeship of said Community, mutualy promising and Covenanting to and with the aforesaid brethren that they are Duly invested with the office of trustees and emponred to exercise all the duties thereof according to the rules and regulations of said Community heretofore known and practised, and which are herein after briefly stated.

III All whose names shall be signed to this Covenant shall be of lawful age to act for themselves, freely and voluntarly, as a religious duty, and according to their own faith and desire, and such as have property and are free from debt or any Just demands from those that are without, are allowed, according to their own faith, to bring in and devote their property or estates whether real or personal to the Joint interest of said society or Commu=nity, And the Joint interest of the Community thus formed and established by the free will offring of the members respectively shall be held and professed by the whole body Jointly as their natural and religious rights, that is all and every individual of or belonging to the Community shall enjoy equal rights and privileges in the use of all things pertaining to the Community according to their order and as every one has need without any difference being made on account of what ~~the~~ any one brought in, and it shall be the duty of all the members to support and maintain the Joint interest of the Community according to their several abilaties as members one of another; Each in their order improving the manifold Gifts of God for the good of the whole—

IV That it shall be the duty of the Trustees aforesaid to take the immediate charge and over=sight of all and singular the property estate and interest whether real or personal thus dedicated devoted and given, as aforesaid to the Joint interest of the community; with all gifts grants or donations that may at any time be given or devoted for the benefit of the community or for the relief of the poor or any such charitable purpose or use and the said Joint intrest estate gifts grants and donation shall be held by them in the Capacity of trustees; and shall be and remain forever under the care and oversight and at the disposal of the trusteeship of said community in a continual line of succession. And we do by these presents Covenant Promise and agree that all the transactions of the trustees in the use and disposal of the Joint intrest of the community, shall be for the mutual benefit of the community and in behalf of the whole body, and to no personal or pri=vate end or purpose whatever, And when by death or any other means, any trustee shall cease to act in his office as aforesaid then all and singular the power vested in or duties incumbent on him or them, shall be transfered to and devolve upon his or their successors who shall be appointed to fill his or their place in said office and trust; so that each individual appointed to the office of trustee of the Community shall be vested with the power

And authority of managing and disposing of the property and intrest of the Community as aforesaid, And of making all Just and lawful defince for the security and protection of the Joint interest and privaleges of the Community, and all the transactions of such members shall be valied as long as they act in the Official capacity of trustee in union with the Body according to the tenor of this Covenant and the rules and order of the Society and no Longer.

V And further we covenant and agree that it shall be the duty of the trustees to keep or cause to be kept in a Book or Books, provided for that purpose, a true coppy of this covenant, together with all other records or matters of a publick nature, that may be necessary for the information and satisfaction of all concerned. And for the security of the Joint intrest commited to their Care.

VI And Morover as the whole end and purpose of our thus Uniting together in Covenant relation is to receive and deffuse the manifold Gifts of God to the mutual comfort and hapiness of eachother as Brethren and Sistors in the Gospel, and for the relief of the poor, the widow and the fatherless, and such as may be deemed objects of charity, therefore according to the faith, manner, rule, order and example of the Church we do freely and cordially Covenant promise and agree together with each other for ourselves our heirs and apigns, that we never shall hereafter make any account of any property labour or service devoted by us to the purpose aforesaid, or bring any charge of debt or damage or hold any demand whatever against the Community or any member thereof on account of property or services given rendred or consecrated to the aforsaid sacred and charitable use— And further let it be remembred that the Covenant that this Sosity Entred into when Sojurning in the State of Ohio bearing date November the twenty-fourth One thousand Eight hundred and twelve, we do now Covenant and agree that all the transactions or services rendred by the trustees or any member of the society since the date of the afore mentioned Covenant shall remain in full force and Virtue, so that all the property that was dedicated to the Joint intrest of the society shall be held by the trustees and their Sucessors according to the tenner of that Covenant and this, and in Confirmation of all the above Statements Covenants promises and articles of agreement we have here unto subscribed our names this 25th day of February 1813 Signed in presents of each other

Brethrens Names	Sisters Names	Sisters Names
Henry Millers	Sarah Jenkins	Betsey Wotherington
Robert Gill	Peggy Steward	Olive Green
James Hodge	Jeney Martin	Amey Brownfield
Joseph Johnston	Preudence Redmon	Hannah Davis
John McComb	Elisabeth Legair	Elizabeth Jenkins
John Knox	Peggy Boyle	Susanah Lanill
John Johnston	Betsey Mayall	Rebecah Price
John Martin	Elisabeth Martin	Peggy Knox
Alexander Mheehan	Mary Hopkins	Sally Johnson
Benjamin Knox	Elisabeth Gallagar	Isabell Gill
John Youngman	Rebeckey Boyle	Saly Houston
John Hancock	Peggy Knox	Peggy Naylor

William Douglas	Rebekeh Brazillon
Fredrick Wiseman	Elizabeth McComb
Wm Price	Betsy Murphey
William McComb	Polly Jann
David Boman	Nancy Knox
Samuel Johnson	Nancy Jenkins
James Brownfield	Amy Hancock
Jesse Mheehan	Catey Boyle
William Price Junr	Sally McComb
George Legier	Nancy McReynolds
George Jann	Polly Edie
Adam Galagar	Barbarey Evins
William Knox	Jiney Galagar
William Boyle	Polly Price
James Price	Nancy Galagar
David Price	Rebeca Gill
Samuil McClelland	Jiney Glover
Bengeman Miller	Jinsey Beedle
Abrem Joans—	Fanny Price
	Nancy Boyle &c

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Copied by William Douglas
Truestee and Recorder

Memorandums of particular events relating to Westunion Society.

The Society originally called Bussereau & afterwars Westunion commenced in the summer of the year 1808 under the Ministerial Labors of Issachar Bates, John Dunlavy, Matthew Houston Malcham Worley, John Rankin & Jas Hodge

The leading Characters who first received the gospel were Robert Houston, Robert Gill & William Brazilton

The Society were first visited in January 1809 by Issachar Bates. Benj. Young & Rich McNemar In the spring following, John M'Comb, John Hancock, Joseph Worthington &c moved with their families from Kentucky & joined the W.U. society.

About the middle of Dec. following, Issachar and James Hodge visited the Society Again in the latter part of March. 1810, Archibald & Richard made a visit, & returned on the first day of May. John Slover with The society was again visited in september by Archibald Benj. & Calvin who returned about the first of December. Wm Brazillon with them.

It was now settled for Archibald to take the special charge and oversight of that, then flourishing society and James Hodge was chosen as his second or aid. Accordingly on the 19th of February 1811. Archibald & James set out for Busro there to abide.

It was also settled and agreed for the society at Eagle creek to move to Busro and in the month of March 1811 said move was effected including Rutch Darrow & Edith Dennis who met the company at Cincinnati on the 22 of the month and all arrived safe on the Busro plains March 30. 1811. and by the 20th of April those several societies were amalgamated & formed one splendid community under the pastoral care of Elder Archibald & Eldress Ruth James & Salome.

The principal heads of families that resided at Busro in the first of the opening were

Robert Houston — Robt Gill — Wm Brazillon
D. Price — Benj. Price — Jas Price
John Youngman — Jas Evans — Anthony Jann
Charles Boyle — M'Ramels, N. Jenkins 12

Those from the Red banks & that region were

John M'Combs — John Hancock — John Slover
Jas Hopkins — Jo Worthington 5

From Eagle creek. — Henry Miller, John Knox John Johnson, Joseph Johnson Danl Redmon — Wm Douglas, Alex. M'Cechen Gio Legier Wm Gallagher, David Edie — John Edgington John Martin, Jas Brownfield Wm Knox 14

Besides these 31 families a number of single young men & women were mixed in, which augmented the society in the start to the number of about 300 persons old & young. at first distributed into three several locations one at Price's settlement one at Robt Gills & one at Robt Houstons where the gathering began. George Legier founding the center or first family which consisted of 72 members.

For a little more than a year the society prospered greatly, till the month of June 1812, on the 18th of this month the war was proclaimed against great Britain and about the same time the fever set in, & loss began to go so that, drearily rolled on like a mighty torrent. (turn a leaf)

This Indenture made the day of June in the year of our Lord one thousand eight hundred and thirty one between Benjamin Crabs and Margaret his wife and John Crabs of the county of Montgomery & state of Ohio of the first part, and James Ball and John Martin, Trustees of the temporalities of the church or community of Believers, called Shakers, at the Village of Waterviet in the same county & state of the second part Witnesseth; That that the said Benjamin Crabs & Margaret his wife and John Crabs for and in consideration of the sum of two thousand dollars, to them well & truly paid by the said party of the second part, the receipt whereof is hereby acknowledged Have granted, bargained, sold, aliened, released, conveyed and confirmed, and by these presents Do grant, bargain, sell alien, release, convey and confirm unto the said James Ball & John Martin trustees acting for and in behalf of the Church or community aforesaid, the survivor of them, their & his heirs assigns & successors' in office forever, ALL that tract or parcel of land bounded as follows, to wit: Beginning at the North East corner of the North West quarter of section thirteen, in township Two of range seven between between the Great & Little Miami rivers, and running thence south with the Eastern boundary of said quarter section forty chains and seventy two links to its south East corner. Thence North eighty nine & a half degrees west on the South boundary of said section twenty four chains & sixty eight links to a eighteen links distant a sassafras four inches diameter bears North fifty eight degrees East post from which a Dogwood six inches diameter bears North fifty eight degrees West twenty one links distant. Thence North forty chains and thirty five links to a post in the North boundary of said section. Thence East twenty four chains & sixty eight links to the place of beginning; containing one hundred acres be the same more or less; situate, lying & being in the county of Montgomery and state of Ohio. And all the estate, right, title, interest and demands of them the said Benjamin Crabs & Margaret his wife and John Crabs of, in & to the said premises, and every part thereof, together with all & singular the privileges and appurtenances to the same belonging or in any wise appertaining: To have and to hold the premises hereby bargained & sold or meant or intended so to be with the appurtenances unto the said parties of the second part, the survivor of them, their & his heirs assigns and successors, to the only proper use and behoof of the said Church or community in a perpetual line of succession & covenant relation according to the stipulations, conditions and provisions of the constitution or written covenant of said Church or community bearing date

And the said Benjamin Crabs and Margaret his wife and John Crabs for themselves their heirs executors and administrators do promise, covenant and agree to and with the said James Ball & John Martin trustees the survivor of them their & his heirs assigns & successors in offices, that they are the true and lawful owners of the premises hereby granted and have good right, full power and lawful authority to sell and convey the same in manner & form aforesaid. And further that they the said Benjamin Crabs and Margaret his wife and John Crabs their heirs executors & administrators will warrant and forever defend the aforesaid premises with their appurtenances and every part and parcel thereof unto the said James

Ball

Babb and John Martin the survivor of them their & his heirs assigns and successors against all persons claiming or to claim from, by or under them or any of them or by, from or under any other person or persons whomsoever. In testimony whereof the said Benjamin Crabs and Margaret his wife and John Crabs have hereunto set their hands and seals the day and year first above written

Signed, sealed & acknowledged }
in the presence of }

The state of Ohio, Montgomery county, ss

L.S. Before me the undersigned a justice of the peace within and for the county aforesaid; personally came Benjamin Crabs and Margaret his wife and John Crabs the above named grantors and acknowledged the above Deed of conveyance to be their voluntary act and deeds for the uses and purposes therein contained. The said Margaret being first, by me, examined separate & apart from her said husband, and the contents of the above deed fully made known to her, and declaring that she voluntarily of her own free will & accord, without any fear or coercion of her husband did & now doth acknowledge the signing and sealing thereof. Witness my hand and seal this day of in the year of our Lord one thousand eight hundred & thirty one

Know all men by these presents that whereas we Daniel Boyd & Thamar Johnson the present Trustees of the church of the United Society at Union Village in the county of Warren & State of Ohio. in addition to the property in general belonging to said church committed to our care & management as Trustees have lately rec'd a deed in fee simple for acres of land, situate in warren county aforesd. which deed was executed by Benjamin Hathaway and his wife of said Warren county & bearing date

And whereas the said tenement or tract of land was purchased & paid for with monies belonging to the consecrated and united interest of the church aforesaid and our names were used in the said instrument or deed of conveyance merely in trust as the agents of said community. Therefore in consideration of the premises & for the purpose of securing the true & faithful application of the property aforesaid with other property real & personal belonging to said community to the sole use & benefit of the said community. We the said Daniel & Thamar Trustees as aforesaid do hereby covenant to and with James Smith, Stephen Spiming & Eli Houston, Elders of the Chh or community aforesaid and their successors in the Eldership & assigns that the said property so to us conveyed and by us held in trust as aforesaid shall be wholly applied to the use and for the benefit of said society according to the usages rules and direction of the ministry & Eldership of said Church and for no other use or purpose whatever. And that any deeds conveyances transfers, or quit claims or surrenders necessary to carry into effect, secure & perpetuate said uses to the objects aforesaid we will execute & make at any time & in any form required

In witness whereof we have hereunto set our hands & affixed our seals this day of July Anno Domini 1830.

Attest.

Seal

Seal

M.B. & J. Crabb
to
Believers

DEED

This Indenture made this day of in the year of our Lord one thousand eight hundred and thirty between Benjamin Hathaway of the county of Warren and State of Ohio and Elizabeth his wife of the first part, and Daniel J. Hawkins agent for the United Society at New Lebanon, in the county of Columbia and State of New York of the second part witnesseth: That the said party of the first part, for and in consideration of the sum of nine hundred dollars lawful money of the United states, to them in hand paid, by the said party of the second part, the receit whereof is hereby acknowledged, Hath granted, bargained, sold, aliened, enfeoffed & confirmed, and by these presents doth grant, bargain, sell, alien, enfeoff and confirm unto the said party of the second part, his heirs and assigns forever, All that certain tract or lot of land described as follows: being part of the south West half of section eighteen, township four, and range three between the Miami rivers, in Warren county aforesaid; beginning at the south west corner of said section, running thence North 1 west forty chains and fifteen links to a White ash in the west boundary line of said section: thence East eight chains and forty links; thence south forty chains & eighteen links to the south boundary line of said section, thence west, eight chains and forty one links to the place of beginning, containing thirty three acres and three fourths of an acre strict measure; with all and singular the rights, privileges and appurtenances thereunto belonging or in any wise appertaining, To have and to hold unto the said party of the second part his heirs and assigns forever. And the said party of the first part, for themselves, their heirs, executors and administrators do covenant promise & agree to & with the said party of the second part his heirs & assigns, by these presents, that the premises before mentioned now are, and forever hereafter shall remain free of & from all former and all other, gifts grants, bargains, sales, dowers, titles, troubles & incumbrances whatever, done or suffered to be done by them the said party of the first part: And the said party of the first part and their heirs all and singular the premises hereby bargained and sold with the appurtenances thereof unto the said party of the second part his heirs and assigns, against them the said party of the first part their heirs and assigns and all and every other person or persons, do and will warrant & forever defend by these presents. In witness whereof the said Benjamin Hathaway and Elizabeth his wife the aforesaid party of the first part have hereunto set their hands and affixed their seals the day and year first above written.

The State of Ohio Warren County ss.

Personally appeared before the Subscriber a Justice of the peace in and for said County Benjamin Hathaway and Elizabeth his wife signers to the within Deeds of conveyance and severally acknowledged the Signing and Sealing thereof to be their act and deed. for the purposes therein expressed, The D. Elizabeth being separate and apart from her said husband and the contents to her made known. She acknowledged that she executed the same freely. Without fear or coercion of her said husband.

Given under my hands officially this day of February A.D. 1836

Benjn Hatteways

Deed

Opinion of the Court.

Judge Broadnax. The points have been so ably and elaborately discussed on both sides, that my mind is fully made up on all the points involved; and therfore with a view to save time, I have determined to arrest the argument at this stage and pronounce the opinion of the court. I have before remarked that it is always an irksome task to approach the constitutionality of any law passed and sanctioned by the Legislature and executive authorities of the Commonwealth. But so long as I hold my seat on this Bench, whenever it becomes my painful and irksome duty to pass, between the respect which I owe to the coordinate departments of government, and the oath which I have taken to preserve inviolate the constitution of my country, I cannot hesitate for a moment. Whenever a Legislative act involves certain great natural rights, which are the birthright of every citizen if it impugns that right, it is a violation of the constitution, and then it is that it becomes my duty regardless of all consequences to interpose my official authority to save from Legislative encroachment the great charter of our liberties. This is the view I have taken of the case. I think it is not the duty of a Judge to declare a law unconstitutional unless his judgement is convinced beyond a reasonable doubt. I wont use the word palpable, for that is an expression which has been much handled in this case, besides its meaning is too indefinite; but I say a Judge should be convinced that a law is clearly and irrovertibly unconstitutional before he should venture to pronounce it so. I accord with the Counsel for the plaintiffs that when the powers granted by an act of the Legislature are purely to embrace it within the powers granted by the constitution, unless restricted by the letter. It has been contended that the present case is based upon entirely new principles, and therfore is not to be governed entirely on the principles of necessity. Mr. Ewing has contended that every individual in the society are made defendants in this case & consequently cannot be competent witnesses in their own behalf, but it might often happen that circumstances would arise which, if they were not allowed to prove by the members of the Society, they could not prove at all and therfore, they would be placed in a most dreadful and precarious situation. In reflecting on this act and on that part of the act, which it has been contended is unconstitutional because it abridges their privileges on account of their Religion, my understanding is in accordance with the views taken by the plaintiffs counsel, and I thought him right. For the law does not seem to touch their Religion or their mode of worship, neither does it render them liable for any thing which they were not accountable for at common law. As to the section which it has been contended is unconstitutional because ex post facto, I also thought him right, because although in this case, the cause of action, existed before the passage of the Law, yet the suit had not been brought, nor was the law passed with a view to the present case, which would be the only feature that could render the act unconstitutional on that ground. On another point of view I was also satisfied, that it was no abridgement of Religious liberty: I did not consider it an encroachment on their peculiar manner of worship; nothing is said either of their faith or practice no liability on that account. In this point of view I am persuaded it is not unconstitutional. Another objection taken by the Counsel for the defendants, is, that the Legislature have transcended their powers in changing a question purely at common law to the Chancery jurisdiction of this Court. I recollect very well that, when the law was passed extending the jurisdiction of Magistrates, I was the first individual Judge who ventured to pronounce it unconstitutional, and I did it on that very ground. Yet the law subsequently received a small amendment by the Legislature, and thus amended it has received the sanction

of the Appellate Court, who decided that the Legislature had the power to say in all cases, whether the process should be by warrant or by Capias — All objections therefore must fall on that ground. Another objection taken to this law is, that although not an entire anomaly in Legislation, yet it does transcend the legislative powers, because it restricts the ancient method of trial by jury. And it is urged that the usages under common law proceedings and the ancient manner of trial by jury have been violated by this act. — Causes of action cognizable at common law may be transferred by Legislative enactment, to Chancery jurisdiction without transcending the powers vested in them by the Constitution, and therefore the act is not objectionable on that point of view. But it is further contended that this law is unconstitutional in another point of view: this Community of Shakers have no legal existence. And it seems evident that they have no legal existence because not recognized by some law. In Swifts law of Evidence which has been relied upon by the Counsel on both sides in this case, the rule as applies to Counties, Hundreds, Ridings & School Districts, is broadly laid down; therefore tho not for the present case, the Court does not know whether they were recognized by law, but we take it for granted that they were — They must have been, or they would never have been able to sue and be sued. I have then come to the conclusion that if the Society have no legal existence they can neither sue nor be sued, both of which could be done if they had. All laws to be constitutional must be equal, and to be equal there must be a mutual reciprocity. Therefore waiving all other objections and difficulties, there is no reciprocity in this act and consequently it is unconstitutional; because if the whole Society can be sued under this act, it ought also to enable them to sue. I am therefore fully persuaded that for the want of reciprocity this law is unequal and therefore unconstitutional. (A)

On the investigation of this case, another point is made up and will now be pronounced upon by the court. Then viewing this Community upon the broadest basis, either as a Copartnership or a Corporation, I say a Shaker is a Competent witness in cases wherein the Society is interested and that from actual necessity. Will who is more interested than an agent or overseer for a firm or a Copartnership, whether he is interested in five pounds or liable for $10000. Yet however interested he may be supposed to be, and the influence consequently against him, from necessity his testimony is admitted and goes to the jury; not to decide its competency but to weight its credibility. And again the owner of property stolen although interested to the full amount of that property yet he is a competent witness in such a case, and the Legislature has said he shall be; but by common law he is not, except from necessity. I prefer to rely on the gentlemen's own book 2nd Starkie Page 718. There it seems the inhabitants of a county were incompetent witnesses to the Stat. of Wm & Mary which rendered them so, from necessity — Now in 99 cases out of 100 were the testimony of these people not admissible, it might turn out impossible to prove the circumstances at all. And yet gentlemen contend that they are incompetent on the ground of a community of interest, but deny their admissibility, and you deprive them of their influence in Society, and place it out of their power to defend themselves from any encroachment or violence whatever — And if it is supposed that they are influenced by interested motives — let it be left to the jury. I say then that they are competent witnesses one in behalf of another, and having these views both of the law and constitution, the Court will say to the jury there is no evidence sustaining the plaintiffs.

The jury were instructed and without leaving their seats found a verdict for the defendants.

J. F.

four points were before the court 1st Is the act of 1828 Constitutional?
2nd Are the Shakers incompetent on the ground of community of interest?
3d Are the declarations of a Shaker evidence to go before the jury, &
4th If so are they sufficient to sustain the issue?

Ewing Counsel for the Plaintiff made a Speech of more than 4 hours
long to maintain the affirmation of all these Queries, when he
had finished Breathitt, Senior Counsel for the defendants answered him as follows

I felt gratified when my friend, Mr. Ewing declared that this, was to be tried as all other cases of a similar nature, but I was disappointed in my expectations when I heard him associate us first to a corporation then to a Copartnership & then to a confederacy for evil purposes. To try us as a corporation you must first show the fact, that we are possessed of the powers of a Corporation, and to make us liable on that ground you must show a pre-existing right. In the 1st place then we deny that we are a corporation having neither Charter nor Common-Seal, nor can we by any ingenuity of the gentleman be made a Corporation by inference. Neither do I entirely agree with my friend Mr. Ewing that the hypothesis supposed is prohibited by the constitution. For instance he contends that all great moral principles of Government not expressed in the constitution are laid down in Blackstone, who says that although all laws and statutes are made pro ma facia prospective yet he says they may be made to have a retrospective bearing & a retroactive operation. — But why are the great principles laid down in Blackstone to be violated alone in this case? Why are my clients to be the first sufferers by this innovation? One great object of civil government is equal rights and equal privileges, and the Constitution prohibits the enactment of laws which are unequal in their operations. I say then, that any statute which be is unequally is void for its unconstitutionality. We'll now show according to the views of the gentlemen themselves, that this law is unequal Take it at its front, take it at its very enacting clause, and this fact is evident — I have suggested this because I knew the dilemma in which we are placed — In a civil point of view Sir, without our approbation we have been made a Corporation, and the recesses of devotion have been invaded by the officers of justice — Again Sir in a civil point of view we have been made a Copartnership, and we are to be sued as co partners. Sir the law is partial, it has a baleful influence on this community, but not one single benefit does

it consist. Whereforn the necessity of this — If they look into this town Sir, there they will find Copartners established for the purpose trade and holding property in common. Then six gentlemen say that the whole Society should be made liable for the debt of $100 contracted by a single individual. But why are the Shakers singled out for the application of this rule. If the Sheriff were to read the writ at a storehouse door would that be a good service on the whole firm — Would he attempt it to do so — Surely not — But the Legislature have said this shall constitute a good service against the Shakers. That point the gentlemen seize with avidity — The Legislature have incorporated the community called Shakers — Isn't the law partial here Sir — Sir it is well known that we have Methodists Baptists and Presbyterians among us — Have the Legislature placed them under the same restrictions — Oh no,!! Then Sir in the name of all that is sacred, why has the baneful of Legislature proscription fallen upon this peaceable and defenceless community. Take it in a Religious point of view Sir — And what do we see — The Shakers only are subject to this statute. Although I believe the law to be partial in its bearings, I will waive all objections on that point for the present, but sir the fact is not to be disguised — It has not they say interfered with our Religious liberty, — they may say they do not intend it shall — But I answer that they may look into the Statute itself, and then tell me if our liberties are not infringed on account of our religion — Mark Sir the words of the Statute it must be against some of the Communities called Shakers. Then Sir I ask if the gentlemen with all their ingenuity are able to show, how it is that it does not interfere with their Religion — whether they — I was going to say experienced as your honor is, what could you call the Statute upon which the gentlemen rely — Sir it is a blot on the honor of my Country — By what character of Legislation are my clients arraigned before the tribunals of their country to answer for their Religious faith. This is a species of legislation which belongs not to earth. It is a law of the God of Heaven to which we are all

Cognizable — I say sir, and I speak it with humility — it is not equal — No sir it is partial in its bearings — Answer me this sir, has there ever been a precedent to this case — I defy the gentlemen themselves to place the finger upon one. We the people called Shakers — I shall here endeavour to explain the creed and doctrine of these people — No — not the creed Sir because their rights and privileges arising out of their faith, I shall endeavour to explain in another view of the case which I shall take hereafter. According to the evidence which has been produced and according to this little blue book, it is an association for the purposes of Church government — In uniting himself with this religious association a man does not part with his civil rights. When a man joins he retains the right to his property until he parts with it, by dedicating it to the Church or otherwise — If two men go and join one having property and the other none, they are both equal as long as they remain; but should they go away him who has no property takes none away, and him who had gets the same property he took or the value of it, the labour of both going to the joint benefit of Society — They both agree to labour for the common interest, and him who has property retains the ownership in the Novitiate order and if he afterwards chuses to retire he has a right to take it with him — But after he has consecrated his property, he has then passed the Rubicon — he has closed the final passage from which there is no retreat — he cannot go back he then has no more right, nor have his heirs to what was once his property than any other individual. What then Sir is the reliance of the gentlemen — They

have assimilated the Covenant of these people to a partnership account, and endeavoured to make us liable on that account. And is it matter of objection against any man sir that his motives are so pure and disinterested that he desires to be released from earthly thraldom, that he may fix all his thoughts & affections on his God. After they have signed the covenant they are relieved from earthly care — Much has been urged against Shakerism — Much has been said against their covenant. But sir I repeat it, that individual who is prepared to sign the church covenant stands in an enviable situation — His situation is indeed an enviable one who devoted to God is prepared to say of his property — Here it is little or much take it and leave me unmolested to commune with my God — I devote, I dedicate myself — to what? not to a fanatical tenet — Oh No! — To a subject far beyond — To the worship of Almighty God the great Creator and Governor of the universe. Under the influence of his love I give my all — Only let me worship according to my faith and in a manner I believe acceptable to my God. Now what is objectionable in all this — I say again sir, the world cannot produce a parallel to the situation which such a man exhibits — Resigned to the will of heaven — free from all the feelings of earthly desire — pursuing quietly the peaceful tenor of his way — Yet still they have been singled out as the objects of Legislative enactments. — The following is substantially the opinion of court.

J. H.

Rupsleville Nov. 6. 1830

Sir

Gen. Ewing

It is truly astonishing to see a man of your popularity as a statesman & a republican so strongly abusing your talents in laboring to set a precedent for debarring the society called Shakers from the common rights of citizens &c. Do you not know that the rights, previliges & immunities of any citizen shall not be diminished on account of his religion? Why pray then make the religion of this society such an important object of inquiry & investigation in the examination of your witnesses, whom it is to hear, you have selected for the purpose of betraying the society into your hands? — Why set your brazen front & array your battering ram against the rights of this people as regards their giving testimony in a court of justice? A people whom fathers brothers & friends have mingled with the common dust, the price of American liberty! — Why insist on having the jury hear every insinuation that can be made on the social & religious rights of this little retired community? Is it necessary for the welfare & confederacy of this court & the jury to know that the members of this church make an oral confession of their sins? or that dancing is an act of their worship? Because Rebecca Merryfield can swear that she saw Urban & Johns dance among the shakers, will that prove him to be a rascal unworthy of giving testimony of a fact — will it prove that he rec.d a thousand dollars from John Boon instead of 100?

I am but a spectator on this occasion my only interest is of a general character. My predecessors were among the early settlers of this continent & the blood of my nearest kin, has enriched the soil which we mutually participate in gaining its redemption from the wild savage, & planting the noble system of civil rights which we ought mutually to enjoy. Excuse me therefore in expressing some interest at hearing & seeing a free people trammelled with a partial & special act & forced upon back ground more savage than that occupied by the wild sons of nature & more horrible than were the dreary reneau mountains & the valleys of Piedmont to the ancient heretics. But your deadly fangs seem to be fixed on this unoffending society — a people too that deserve better at your hands!! The act of assembly is based which takes a retrospective view of those occurrences between Boon & Johns, the Patterson family & the shakers — This act must be substantiated & a new sett of rules made out answerable to its provisions, and who so capable a manager of the affair as Gen.l Ewing, a statesman of peerless fortitude sufficient to frown into silence an aged & venerable judge & of eloquence so irresistable as to charm jury & audience into an implicit confidence in his infallible wisdom?

Ephraim I am not your enemy, I have been partial towards your character & would now be sorry needlessly to hurt your feelings, but, regard to my country & the safety of our institutions my own religious rights imbedded constrain me to offer you this little check.

Your address occupying two hours & more in laboring to prejudice the jury & audience against the judge & the paleness with which you were hard afforded afforded a specimen of novelty which probably I may never before witness to have seen in the street of Rupsleville in open day light, the highway

robber demand the money of an honest citizen, at the mouth of his
pistol or the point of his dirk, & to hear the lawless villain invoke
the aid of surrounding citizens in the perpetration of the nefarious
crime could not be more astounding to a discerning mind than the cour-
tesy you took in demanding $900 from the Shakers & by all the arts of sop-
histry laboring to obtain the aid of the Jury & public independant of the
court in obtaineing it. Is it material how you filch the money from
the defenceless whether the pistol the dirk, or that more fatal dagger the
tongue be the instrument? What is the difference whether you steal &
mangle the person or the character of the innocent if the object is to
force from him his money to which you have no lawful claim
Had Urb- E Jotham. Beck youngs, as you call him, or Eli. M'Calain met
the midnight assassin, even at the point of his dagger it would be the privi-
lege to expostulate with him but beholde a scheme of robbery surpassing all
the cunning ever known to attach to the art— you Sir seem to have
found out means not only to gag the Shakers, that they cannot be heard, to
bind them hand & foot that they cannot resist but to browbeat a civil
court into silence, & by your military prowess & your farfetched compar-
isons & allusions to overpower the good sense of twelve honest Jury men
& the surrounding multitude. An impartial spectator might sus-
pect that a strange bias existed in the mind of the court in favor of bluff
in granting you so wide & so lawless a range in laboring to fix on the
minds of the jury as undeniable facts every foul & slanderous presump-
tion that your fruitful imagination could invent. Before you
had adduced one solitary item of legal proof that your client had lost 6000
dollars or one dollar, to carry your audience round thro' all the in-
tregues of rascality & show them a band of combining villains, hiding
the money of y^r client under some dead log, or slyly paping it into
some other branch of the swindling band to be changed— The language
proper to characterise this long winded, unfounded & illegal harangue
must be suppressed —— your object was to be understood, & you
were well understood & tho the silence of the court in granting you
this unparrelalled range might have given umbrage to disp-
be assured no umbrage is taken. It is their province to be
dumb. Yet they are unwilling to be gagged by your false construct-
on of a legislative act. of which you have formerly very freely
given your opinion consistent with their views But if you are
able to discriminate (as you profess) between the honest & dishonest mem-
bers of the society it will at least be expected that you will admit
as witness those whom you esteem men of honor, integrity & strict
honesty You will not I presume condemn the righteous with the
wicked —— "Shall not the judge of all the earth do right"

P.S. Ephraim compasseth me about with lies— Hosea 11.12. Ephraim hath made
many altars to sin. 8.11. Ephraim hath mixed himself among the people — Ephraim is a cake not turned
8.8. Strangers have devoured his strength & he knoweth it not 7.9. Ephraim shall receive shame. be asham-
ed of his own counsel Ephraim feedeth on wind & followeth after the east wind & he daily increaseth lies
12.1.— I have written to him the great matters of my law but they were counted as a strange thing. 8.12.
Ephraim provoked him to anger most bitterly. 12.14. Surely I have heard Ephraim bemoaning himself.
Ephraim is smitten! Ephraim shall say what have I to do any more with idols
Ephraim is oppressed & broken in judgement. I will be unto Ephraim as a lion 5.14 I will not destroy Ephraim
Ephraim is joined to idols, let him alone —— The iniquity of Ephraim was discovered Deus laudatur

Painesville Nov. 10 1830

If it please the court I would offer a few remarks on the important subject which has now for nearly a whole week occupied the attention of this honorable court body, jurisdiction

In the course of the investigation the community called Shakers has been likened to almost every species of confederacy corporation or copartnership known in civil society from the honorable & profitable schemes of banking & merchandizing, down to the lawless club of horse thieves & highway robbers, and all those attributes they have been circumlocuted on every principle that the laws of England & the United states could furnish on the supposition of their being embraced under any of those supposable discriptions

As a community I am not disposed to class them with any institution that has been named. I have never viewed this society so incorporated & amalgamated as to entitle them even to a corporate character exclusive of all exceptions on individual responsibility. I perfectly agree with M. Ewing that there are men of the purest principles of honesty among them, & that there may also be those of a very opposite character certain it is that individuals have come out from among them who have exhibited themselves to the world a disgrace to human nature. Nothing can be determined from these circumstances that the whole society is morally or immorally one but the contrary that each individual is to be viewed separately & distinctly in all his relations to the public & to the society.

Whereunto then shall we liken a society thus associated for religious purposes? I say to other societys associated in like manner whether ancient or Modern. but such religious associations have been compared to others of a civil or social nature. yea & that very properly, the most appropriate of which I beg leave to mention. What is the original idea of a community what is the radical meaning of the word — has numus any part in its construction? if so, then a community implies any number united in promoting any object by means of their united gifts or contributions, as in constituting a feast or entertainment. the provisions & accommodations are provided by a company agreeing each to put in their part as a free gift, a total surrender & full relinquishment of all after claim, — guest who are admitted have also liberty to contribute or not contribute as they think proper, but nothing is received otherwise than by way of gift. The contractors donors & all concerned stipulate to take away if they withdraw what they brought & did not bestow nothing more to demand no compensation for any services they may render to the company This places the subject fairly in the eye of the law. now in case a robbery is committed in the neighborhood, & by some strange statute permission is granted to sue this whole community man woman & child, upon what principle can the individuals be deprived of their testimony? you say on the principle of interest Is it because the individual has contributed. Nay. then interested ness cannot be imagined on any other principle. Unless it be to exculpate the company of which he is a member from an infamous charge which is a point of interest that ought to be granted to every free man, & a privilege which would not be denied but by the most tyrannical usurper & unbender on the rights of man.

Ephraim Ewing Esq^{r}

Rushville

Pleasant Hill Decm. 31st 1836

Beloved Br. Eleazer

I received yours of the 20th ult for which I was thankful the news of the arrival of the two Brethren from the East was good news as we hope after the arrival of so many of our good Ministry Elders and Deacons that surely some of them will venture to come in to Kentucky and pay us a visit at P. Hill for which we would be thankful in every deed

In your letter you make several enquiries concerning the west Union Business. all of which I will answer as well as I can your first question is to know how the business has been transacted on the part of Voris, I knew nothing of the transaction until after the move took place, 2. when or how was Voris released from that Business, ? 3d had he any concern in the sale of the Village premises. ? 4th was your leading authorities consulted,? in the year 1828 or 29 Sharp came to P. Hill and wished Voris to go to west Union with him to make some disposition of the property, the proper authority was consulted, it was agreed that Voris had better make a conveyance or transfer of all his right or agency, to sell or in any way to dispose of said Estate, to Sharp, which was accordingly done in due form of law, which I have no doubt you can find on record in Vincennes, as to the reduction of the price we had nothing to say or do about it, not being consulted having disposed of our right to interfere in a legal point of view as to the sale of the Maria slave or the land in Illinois, we have no knowledge of either, and of course had no agency in disposing of them, in answer to your question about money received we have received money at two different times the first time by E. Samuel in February 1833 he being at Union Village after the first payment was made and a distribution was made between the Societies in which the West Union Members lived according to No.s we received at that time $375 in June 1834

I recieved a check by mail from Sharp for $225-
which is all the money we have received from the sale of
any West Jackson lands, or tot over, Sharp told me last
spring that the balance was due and promised to send it
as soon as he could get it I wrote to him on the subject
but received no answer, you wish to know how Pratt
-is stands affected to and Believers, whether he retains
his original manly feeling or not,? I can only say that he
stands with us him much as other apostates do -
that he would be of any service to you, I have no hopes
I have had on one or two occations to take his disposi-
-tion to be used as evidence in our struggles since he left
here, and have found him disposed to keep back any
thing that would be of advantage to Believers in mat-
-ers that I knew he well understood and remembered he
would make an answer favourable to Believers, I have
concluded that where even we have had occation to use
the evidence of apostates they have with one or two ex-
-ptions done more harm than good I have now said
what I know about the West Jackson Business, and
as to other matters and things here we have nothing
strange or new to talk about, we have general good
health in the Church with our usual peace & prosperity
with out & in, and wish you great prosperity
in your undertaken with Sharp as such villains
should be detected and punished, I wish to see some perma-
-nent procident established as to the trustee authority
as to the abuse of power, or a miss application of
the consecrated property, and in case the trustee ship
should by death or other wise become entirely vacant
how the title of real Estate to be continued or perpet-
-uated from one set of trustees to an other, it does appear
to my mind that there is more danger arising from
that source than any other in all of our economy -
a trustee may be a decent fellow to day and
a scoundrel to morrow, but I will quit my notions

about these matters untill I see you face to face
as there is some matters I will them talk about
any information you can afford on any useful matter
will be thankfully received. You have done
right to let us before this time heard of the death of our belov-
ed Elders Molly which took place on the ninth of
December, the ballance of the society were in comma
health, so says E. Benjamin in a letter to E. Samuel.
You will now please accept with this Lastly sevall
the laws of the office Department unitedly to be
distributed as you may think proper -

Jno. K. Bryant

Shawnee Run
Jany 1st 1836

Free
J. R. Bryant Dm

Eleazer Wright.

Lebanon P.O.

Ohio

SHAKER COLLECTION